<u>REMARKS</u>

The Office Action dated September 7, 2005, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claim 14 has been canceled. Claims 1-13 and 15-27 are pending in the application.

The rejection of claims 1-13 and 15-27 under 35 USC §102(b) as being anticipated by Stork et al is respectfully traversed. As amended, claim 1 recites network apparatus for communicating a recorded message from a calling party to a called party within an Internet Protocol (IP) network. A messaging controller accepts commands over the IP network and plays and records digital media such as the recorded message. An encryption encoder/packager encrypts the recorded message and packages the encrypted recorded message with an identifier to produce a protected message file. Media storage stores the protected message file. A notification system sends a notification message over the IP network to announce the protected message file. A message distributor delivers the protected message file from the media storage to the called party over the IP network when requested by the called party. A license server maintains a decryption key for responding to a validated request over the IP network for a license from the called party, wherein the license includes the decryption key for accessing the protected message file.

Stork fails to anticipate the apparatus recited in claim 1 for the following reasons. The telephone message system of Stork operates within the telephone system (see e.g., col. 2, lines 6-7; col. 2, lines 20-21; col. 4, lines 5-6). Dedicated lines run between the sender 304 and the receiver 305. Therefore, Stork fails to teach the communication of a recorded message within an IP network. As well known in the art, an IP network is a computer network for communicating with many other devices simultaneously. The telephone system of Stork is "connection oriented" wherein a single link is established and maintained for the duration of a call.

The mere absence of an IP network in Stork is sufficient to overcome the anticipation rejection. Moreover, the difference in network environment leads to the failure of Stork to teach other limitations of claim 1. The message in Stork is recorded

and stored by the receiver hardware of the called party. After storing a message, the user retrieves a message using the receiver hardware. There is no notification message sent over an IP network, or any other network. Stork is silent regarding how the user is notified that a message is present, but one skilled in the art would reasonably presume that there was a light or other indicator on the receiver that a message was stored. One skilled in the art would not presume that any network message was sent for notification because there is no network present other than a telephone system on which to send one.

Since Stork stores a message in the same device that replays the message, it necessarily lacks the message distributor recited in claim 1 which delivers the protected message file from the media storage to the called party over the IP network. Likewise, there is no decryption key sent over an IP network in Stork. Thus, claim 1 is allowable over Stork.

Claim 2 recites license parameters that provide selected limitations for accessing the protected message file. In Stork, there are no limitations to select between. The key in Stork merely decrypts the recorded message. There are no selectable limitations such as how often or when a recorded message may be decrypted. Therefore, claim 2 and claims 3-6 which relate to the license parameters are all allowable.

With regard the claim 8, the recited user agent establishes a communication session within the IP network. Stork lacks an IP network and claim 8 is allowable.

Claims 9 to 11 relate to the adjunct systems that carry a notification, namely an instant message client, a short message service device, and an email client, respectively. Not only does Stork lack any notification message, but it is entirely devoid of any mention or even any possible use of instant messaging, short message service, or email. These are not even relevant to the telephone system of Stork. Thus claims 9-11 are allowable.
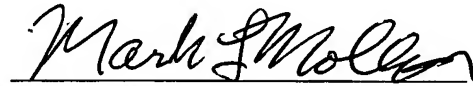
Claims 12 and 13 recite that the message distributor comprises an email server and a streaming media server, respectively. Not only does Stork lack message

distribution over an IP network, but it strains credulity to suggest that it has any teaching of email or streaming. Claims 12 and 13 are likewise allowable.

Claims 15-27 contain essentially the same limitations as claims 1-13, respectively, and are allowable for the same reasons.

In view of the foregoing amendment and remarks, claims 1-13 and 15-27 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

Mark L. Mollon
Attorney for Applicant(s)
Reg. No. 31,123

Dated: November 18, 2005
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(734) 542-0900
(734) 542-9569 (fax)